

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

X CORP., a Nevada corporation,

Plaintiff,

v.

**MEDIA MATTERS FOR AMERICA, a
Washington, D.C. non-profit corporation,
ERIC HANANOKI, and ANGELO
CARUSONE,**

Defendants.

Civil Action No. 4:23-cv-01175-O

**APPENDIX OF EXHIBITS ACCOMPANYING DEFENDANTS' OPPOSITION TO
X CORP.'S MOTION TO COMPEL PRODUCTION IN
RESPONSE TO RFP NOS. 108, 113–114**

Pursuant to Local Rule 7.1(i), Defendants Media Matters for America, Eric Hananoki, and Angelo Carusone attach this Appendix of Exhibits Accompanying Defendants' Opposition to X Corp.'s Motion to Compel Production in Response to RFS Nos. 108, 113–114:

Exhibit	Description	Appendix Page Number
1	Email from Defendants' counsel to Plaintiff's counsel dated April 14, 2025.	4
2	Email from Plaintiff's counsel to Defendants' counsel dated May 2, 2025.	8

Respectfully submitted,

/s/ Shawn P. Naunton
Dwight P. Bostwick
Shawn P. Naunton
Zuckerman Spaeder LLP
485 Madison Ave., 19th Floor

New York, NY 10022
Telephone: (212) 704-9600
Facsimile: (202) 822-8106
dbostwick@zuckerman.com
snaunton@zuckerman.com

Justin Nelson
State Bar No. 24034766
Matthew Behncke
State Bar No. 24069355
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002-5096
Telephone: (713) 651-9366
Fax: (713) 654-6666
jnelson@susmangodfrey.com
mbehncke@susmangodfrey.com

Katherina M. Peaslee
SUSMAN GODFREY L.L.P.
401 Union Street, Suite #3000
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: (206) 505-3811
kpeaslee@susmangodfrey.com

Gregg Costa
GIBSON, DUNN & CRUTCHER LLP
811 Main Street, Suite 3000
Houston, TX 77002-6117
Telephone: (346) 718-6649
Facsimile: (346) 718-6979
GCosta@gibsondunn.com

*Attorneys for Defendants
Media Matters for America, Eric Hananoki,
and Angelo Carusone*

CERTIFICATE OF SERVICE

I certify that on May 5, 2025, a true and correct copy of the Appendix of Exhibits Accompanying Defendants' Opposition to X Corp.'s Motion to Compel Production in Response to RFS Nos. 108, 113–114 was properly served on counsel of record via electronic filing in accordance with the USDC, Northern District of Texas Procedures for Electronic Filing.

/s/ Shawn P. Naunton

EXHIBIT 1

From: Matt Behncke <mbehncke@SusmanGodfrey.com>
Sent: Monday, April 14, 2025 12:50 PM
To: Alex Dvorscak; Amer S. Ahmed; Justin A. Nelson; Katy Peaslee; Gregg J. Costa; Tyler Lopez; Keeley Lombardo; Andrew LeGrand; Bostwick, Dwight P.; Naunton, Shawn; Trevor Nystrom
Cc: XvMMFA
Subject: RE: XvMMFA - Follow Up Re: X's RFP Nos. 108, and 113-114

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL

Alex:

We will be amending our response to RFP 108. I have a call with the client schedule this afternoon and will call you afterwards (before 4:00) with details.

Matt Behncke

From: Alex Dvorscak <alex@stonehilton.com>
Sent: Monday, April 14, 2025 9:43 AM
To: Matt Behncke <mbehncke@SusmanGodfrey.com>; Amer S. Ahmed <AAhmed@gibsondunn.com>; Justin A. Nelson <jnelson@SusmanGodfrey.com>; Katy Peaslee <KPeaslee@susmangodfrey.com>; Gregg J. Costa <GCosta@gibsondunn.com>; Tyler Lopez <TLopez@susmangodfrey.com>; Keeley Lombardo <KLombardo@susmangodfrey.com>; Andrew LeGrand <ALeGrand@gibsondunn.com>; Dwight Bostwick <DBostwick@zuckerman.com>; Naunton, Shawn <snaunton@zuckerman.com>; Trevor Nystrom <TNystrom@susmangodfrey.com>
Cc: XvMMFA <XvMMFA@stonehilton.com>
Subject: RE: XvMMFA - Follow Up Re: X's RFP Nos. 108, and 113-114

EXTERNAL Email

Hi Matt,

Counsel for the parties have met and conferred regarding RFP Nos. 108, 113, and 114 multiple times via email and phone conference beginning on January 8, 2025. We most recently meet and conferred via video conference on April 7, and you confirmed that we were at an impasse on RFP Nos. 113 and 114. During that discussion, you said for the first time, that Defendants might reconsider their position with respect to RFP No. 108. You also said that you would get back to us shortly if Defendants' position had changed regarding RFP No. 108. A week has now passed since the most recent conference, and you have not gotten back to us regarding a change in Defendants' position. Considering that we have been conferring for over three months, we will file a motion to compel with respect to all three of these RFPs at noon today unless before that time, you agree in writing to produce all documents responsive to RFP No. 108. If Defendants agree to produce

anything short of all documents responsive to RFP No. 108, we will move forward with the filing of the motion to compel at noon today.

Best,

-Alex Dvorscak

STONE HILTON PLLC

alex@stonehilton.com | (518) 772-8657

From: Matt Behncke <mbehncke@SusmanGodfrey.com>

Sent: Monday, April 7, 2025 8:35 AM

To: Alex Dvorscak <alex@stonehilton.com>; Amer S. Ahmed <AAhmed@gibsondunn.com>; Justin A. Nelson <jnelson@SusmanGodfrey.com>; Katy Peaslee <KPeaslee@susmangodfrey.com>; Gregg J. Costa <GCosta@gibsondunn.com>; Tyler Lopez <TLopez@susmangodfrey.com>; Keeley Lombardo <KLombardo@susmangodfrey.com>; Andrew LeGrand <ALeGrand@gibsondunn.com>; Dwight Bostwick <DBostwick@zuckerman.com>; Naunton, Shawn <snaunton@zuckerman.com>; Trevor Nystrom <TNystrom@susmangodfrey.com>

Cc: XvMMFA <XvMMFA@stonehilton.com>

Subject: RE: XvMMFA - Follow Up Re: X's RFP Nos. 108, and 113-114

When we spoke at the last meet and confer X requested that we defer this issue while you were reviewing Defendants' February 27 email. Your email below provides additional detail about what X is seeking re RFP 108. We will review and get back to you, but we may not be able to do so by 1:00 today, especially since we just received X's response to our February 27 email last night.

I had not seen a link from you for our discussion at 10:00 am this morning so I went ahead and circulated one a few minutes ago. Let's just one that one.

Thanks.

Matt Behncke

From: Alex Dvorscak <alex@stonehilton.com>

Sent: Sunday, April 6, 2025 7:55 PM

To: Matt Behncke <mbehncke@SusmanGodfrey.com>; Amer S. Ahmed <AAhmed@gibsondunn.com>; Justin A. Nelson <jnelson@SusmanGodfrey.com>; Katy Peaslee <KPeaslee@susmangodfrey.com>; Gregg J. Costa <GCosta@gibsondunn.com>; Tyler Lopez <TLopez@susmangodfrey.com>; Keeley Lombardo <KLombardo@susmangodfrey.com>; Andrew LeGrand <ALeGrand@gibsondunn.com>; Dwight Bostwick <DBostwick@zuckerman.com>

Cc: XvMMFA <XvMMFA@stonehilton.com>

Subject: XvMMFA - Follow Up Re: X's RFP Nos. 108, and 113-114

EXTERNAL Email

Matt,

I am writing regarding X's RFP Nos. 108, and 113-114. The parties have engaged in a meet and confer already. Following that meet and confer, Defendants' prior counsel responded by email dated 2/27/25. Although X understands from our last meet-and-confer that Defendants do not intend to propose any new compromise, X responds in writing to the points raised in that email as follows:

- *RFP 108*: Defendants impugned X's content moderation and ad safety record. X is entitled to the production of documents relating to the standards and Defendants' efforts to investigate the standards that were used as a yardstick to measure X against. This RFP is not asking for documents relating to Defendants' reporting on social media platforms other than X. Instead, X is seeking documents that show the research done by Defendants, if any, to determine the standard that was applied to X. Defendants' agreement to produce "documents sufficient to show that Defendants have researched and reported on advertising brand safety and content moderation standards on social media platforms other than X" misses the mark. Further, the offer to produce documents "sufficient to show" does not fulfill Defendants' discovery obligations. To the extent that Defendants conducted research into advertising brand safety/content moderation standards, such documents must be produced. If no such research was conducted, and therefore, no responsive documents exist, please respond to the RFP stating that no such documents exist.
- *RFPs 113-114*: Defendants request for X to convert the request to a ROG is improper and does not excuse their production obligation. Further, an organizational chart of employees should be virtually burdenless to produce.

For the RFPs listed above, X understands that we are at an impasse and must seek Court intervention. If Defendants instead intend to amend their responses, please so state in writing prior to 1:00 pm on Monday, April 7 along with a date on which responsive documents will be produced, or we will move to compel.

Best,
-Alex

Alexander M. Dvorscak

Attorney

STONE HILTON PLLC

600 Congress Ave.

Austin, Texas 78701

alex@stonehilton.com | (518) 772-8657

www.stonehilton.com

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EXHIBIT 2

From: Elizabeth Brown Fore <Elizabeth@stonehilton.com>
Sent: Friday, May 2, 2025 2:23 PM
To: Naunton, Shawn; Alex Dvorscak
Cc: XvMMFA; Matt Behncke; Justin A. Nelson; Katy Peaslee; Ahmed, Amer S.; Bostwick, Dwight P.
Subject: RE: X v. MMFA - Motion to Compel Re RFP Nos. 108, 113-114

EXTERNAL

Hi Shawn,

Thank you for your email. With respect to the three requests for production at issue (RFP Nos. 1108, 113, and 114), are Defendants now agreeing to respond to each in full?

Your agreement to produce three organizational charts without further description does not provide me with enough information to determine if you are agreeing to fully respond. For example, are these organizational charts for the organization as a whole or just a subset? If the organizational charts will fully respond to RFP Nos. 113 and 114, please state that you are agreeing to fully respond to those requests.

With respect to RFP No. 108, your agreement to provide “MMFA’s reporting on online advertising brand safety / content moderation standards from the relevant time period,” does not satisfy the request, which I have explained multiple times in the past. Your agreement now to produce something that we have already informed you is insufficient, makes clear why we needed to file the motion to compel. Defendants impugned X’s content moderation and ad safety record. X is entitled to the production of documents relating to the standards and Defendants’ efforts to investigate the standards that were used as a yardstick to measure X against. If the answer to RFP No. 108 is that no such documents exist, please let us know.

Best – Elizabeth

From: Naunton, Shawn <snaunton@zuckerman.com>
Sent: Tuesday, April 29, 2025 4:11 PM
To: Elizabeth Brown Fore <Elizabeth@stonehilton.com>; Alex Dvorscak <alex@stonehilton.com>
Cc: XvMMFA <XvMMFA@stonehilton.com>; Matt Behncke <mbehncke@susmangodfrey.com>; Justin A. Nelson <jnelson@susmangodfrey.com>; Katy Peaslee <kpeaslee@susmangodfrey.com>; Ahmed, Amer S. <aahmed@gibsondunn.com>; Bostwick, Dwight P. <DBostwick@zuckerman.com>
Subject: X v. MMFA - Motion to Compel Re RFP Nos. 108, 113-114

I write on behalf of Defendants regarding X Corp.'s motion to compel production of materials in response to X's RFP Nos. 108, 113, and 114 (Dkt. No. 175).

RFP Nos. 113 and 114, as you know, seek the names of and number of people employed or contracted by MMFA for each month in 2023. In its motion, X represented to the Court that "an organizational or employee chart would likely suffice" to satisfy these RFPs. MMFA does not generate organizational charts on a monthly basis. We have located three organizational charts from the relevant time period -- organizational charts from September 2022 and October 2023, and a draft organizational chart from November 2023. Subject to and without waiving their objections to RFP Nos. 113 and 114, Defendants will produce these organizational charts in response to the RFPs. If we locate additional organizational charts from the relevant time period, we will produce those as well.

RFP No. 108 seeks documents "reflecting or relating to online advertising brand safety / content moderation standards and / or Defendants' efforts to investigate online advertising brand safety / content moderation standards." As Defendants noted in their objections, the RFP is overly broad, not reasonably particularized, unduly burdensome, and disproportionate to the needs of the case, and seeks materials not relevant to the claims brought by X, which relate to two MMFA articles on X's brand safety / content moderation standards.

Notwithstanding these objections, which Defendants maintain, Defendants were prepared to provide an amended response to this RFP in an effort to reach compromise. We notified X of this on April 14 at 11:50 am EDT, and advised that we would be in further contact on the issue later that same day. Instead of continuing the meet and confer process, X elected not to await receipt of Defendants' amended response and instead proceeded to file its motion to compel approximately one hour later, at 12:58 pm EDT.

At this time, subject to and without waiving their objections to RFP No. 108, Defendants will produce MMFA's reporting on online advertising brand safety / content moderation standards from the relevant time period.

We trust that production of the foregoing materials will resolve the issues raised in X's motion to compel. We hope the parties will not burden the Court with this motion in light of the foregoing explanations and concessions. Please let us know by 5 pm EDT on Thursday if you will withdraw your motion, as our response will otherwise be due on Monday. I am, of course, available if you would like to discuss.

Best regards,

Shawn Naunton



Shawn Naunton
Zuckerman Spaeder LLP
snaunton@zuckerman.com

485 MADISON AVENUE, 19TH FLOOR • NEW YORK, NY 10022-5862
646.746.8655 direct • 917.449.2983 mobile • 212.704.4256 fax

► Download vCard | [zuckerman.com](https://www.zuckerman.com)

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